



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES

COMMISSIONER FOR PATENTS
PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/916,849	07/26/2001	David Botstein	2002850-0024 (S01-503)

CONFIRMATION NO. 9720

Monica R. Gerber, M.D., Ph.D.
Choate, Hall & Stewart
Exchange Place
53 State Street
Boston, MA 02109



OC000000009576670

Date Mailed: 02/28/2003

RESPONSE TO REQUEST FOR CORRECTED FILING RECEIPT

Title of Invention

In response to your request for a corrected Filing Receipt, the Office cannot comply with your request because:

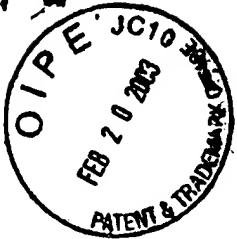
- ☐ The articles such as "a," "an", and "the" are not included as the first words in the title of an application. They are considered to be unnecessary to the understanding of the title.
- ☐ The words "new," "improved," "improvement of," "improvement in", or "improvement relating to" are not included as the first words in the title of an application because a patent application is, by nature, a new idea or improvement. See MPEP 606.
- ☐ The title may be truncated if it consists of more than 500 characters (letters and spaces combined).
- ☐ Superscript and subscript are not possible. These characters will appear on the same line.
- ☐ The title appears on the filing receipt in sentence case for publication in the Annual Index of Patents.
- ☒ The title of the invention was captured as provided by applicant on the first page of the specification. An amendment is needed to make this change.
- ☐ The symbol that you have requested as part of the title cannot be captured as presented. It has been captured as written text.


Customer Service Center
Office of Initial Patent Examination
(703) 308-1202

TECH CENTER 1600/2900

MAR 06 2003

RECEIVED



Receipt

ATTORNEY'S DOCKET NUMBER: 2002850-0024 (S01-503)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Botstein, et al. Examiner: not yet known
Serial No.: 09/916,849 Art Unit: 1645
Filed: July 26, 2001
For: BASAL MARKERS IN BREAST CANCER AND RELATED REAGENTS AND METHODS OF USE THEREOF

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

TRANSMITTAL

Enclosed herewith are the following:

- 1) Request for Correction of Filing Receipt (2 pages.);
- 2) Copy of Filing Receipt mailed by USPTO dated July 18, 2002 (2 pages);
- 3) Utility Patent Application Transmittal dated July 26, 2001; and
- 4) Return Postcard.

Additionally, please charge any fees associated with this filing, or apply any credits, to our Deposit Account No. 03-1721.

Respectfully submitted,

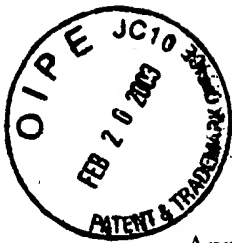
Monica Gerber

Monica R. Gerber, M.D., Ph.D.
Registered No. 46,724

Choate, Hall & Stewart
Exchange Place
53 State Street
Boston, MA 02109
(617) 248-5215 (Phone)
(617) 248-4000 (Fax)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner For Patents, Washington, D.C. 20231
on 02-13-03
Sandra Saccoccia

Date: February 12, 2003



ATTORNEY'S DOCKET NUMBER: 2002850-0024 (S01-503)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Botstein, et al. Examiner: not yet known
Serial No.: 09/916,849 Art Unit: 1645
Filed: July 26, 2001
For: BASAL MARKERS IN BREAST CANCER AND RELATED REAGENTS
AND METHODS OF USE THEREOF

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

REQUEST FOR CORRECTION OF FILING RECEIPT

Applicant respectfully requests correction of the following errors in the Filing Receipt (copy attached) for the above-referenced case mailed by the USPTO on July 18, 2002:

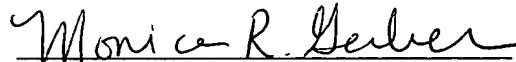
1. The title is listed as "Basal Cell Markers in Breast Cancer and Uses Thereof on the Filing Receipt. Kindly change the Filing Receipt to reflect the correct title "Basal Markers in Breast Cancer and Related Reagents and Methods of Use Thereof".
2. The Filing Receipt lists inventor "Jan Matthijs van de Rijn, LaHanda, CA". The correct spelling of this inventor's name and address are "Matt van de Rijn of Woodside, CA." A copy of the Utility Patent Application Transmittal, as filed with the USPTO on July 26, 2001 is enclosed.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner For Patents, Washington, D.C. 20231 on 02-13-03
Sandra Jaccoccia

Applicant respectfully requests that a corrected Updated Filing Receipt be issued as soon as possible. Please charge any fees or credit any overpayments to our Deposit Account No. 03-1721.

Respectfully submitted,

Date: February 12, 2003


Monica R. Gerber, M.D., Ph. D.
Reg.. No. 46,724

CHOATE, HALL & STEWART
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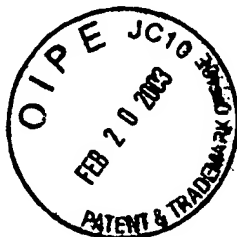


UNITED STATES PATENT AND TRADEMARK OFFICE

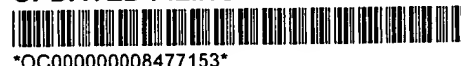
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UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/916,849	07/26/2001	1645	4057	2002850-0024 (S01-503)	15	122	28

Monica R. Gerber, M.D., Ph.D.
Choate, Hall & Stewart
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53 State Street
Boston, MA 02109



CONFIRMATION NO. 9720
UPDATED FILING RECEIPT



OC000000008477153

Date Mailed: 07/18/2002

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

David Botstein, Belmont, CA;
Patrick O. Brown, Stanford, CA;
Charles M. Perou, Carrboro, NC;
Brian Ring, Foster City, CA;
Douglas Ross, Burlingame, CA;
Rob Seitz, Hampton Cove, AL;
Jan Matthijs van de Rijn, LaHanda, CA;

Correct again!

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MAR 06 2003
TECH CENTER 1600/2900

Domestic Priority data as claimed by applicant

THIS APPLN CLAIMS BENEFIT OF 60/220,967 07/26/2000

Foreign Applications

If Required, Foreign Filing License Granted 04/15/2002

Projected Publication Date: 10/24/2002

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ******Title**

Basal cell markers in breast cancer and uses thereof

Preliminary Class

424

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



CHOATE, HALL & STEWART

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EXCHANGE PLACE

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BOX PATENT APPLICATION
ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, DC 20231

Express Mail No.: EL674751989US
Attorney Docket No.: 2002850-0024 (S01-503)
Date Filed: July 26, 2001

UTILITY PATENT APPLICATION TRANSMITTAL

(for new nonprovisional applications under 37 C.F.R. § 1.53(b))

Dear Sir:

Please find enclosed a patent application and papers as follows for:

Inventor(s):

Given Name (first and middle) Family Name or Surname Residence

David	Botstein	Belmont, CA
Patrick O.	Brown	Stanford, CA
Chuck	Perou	Chapel Hill, NC
Matt	van de Rijn	Woodside, CA
Brian	Ring	Los Altos, CA
Douglas	Ross	Burlingame, CA
Rob	Seitz	Huntsville, AL

Title of the Invention: BASAL MARKERS IN BREAST CANCER AND RELATED REAGENTS USES THEREOF

Express Mail No.: FL674751989US
Date Filed: July 26, 2001

A) APPLICATION ELEMENTS:

1) ☐ **Fee Transmittal Form** (original and duplicate submitted for fee processing)

2) ☒ **Applicant Claims Small Entity Status** (see 37 CFR 1.27)

a) ☒ Statement Verifying Small Entity Status (optional)

3) ☒ **Specification**

TOTAL PAGES: 137

- Descriptive Title of the Invention
- Government Support
- Cross References to Related Applications (if applicable)
- Reference To Material Presented In Appendices
- Background of the Invention
- Summary of the Invention
- Brief Description of the Drawing (if filed)
- Brief Description of Appendices A - G (on CD-ROM)
- Brief Description of The Tables in Appendix H (on CD-ROM)
- Detailed Description Of Certain Preferred Embodiments
- Examples
- Claim(s)
- Abstract of the Invention

4) ☒ **Drawing(s)** (35 U.S.C. § 113)

TOTAL SHEETS: 12

a) ☐ Formal Drawings (if checked)

5) ☐ **Oath or Declaration**

TOTAL PAGES:

a) ☐ Newly Executed (original or copy)

b) ☐ Copy from a prior application (37 C.F.R. § 1.63(d))-for continuation/divisional application

i) ☐ Deletion of inventor(s): Signed Statement deleting inventor(s) named in the prior application, see 37 C.F.R. §§ 1.63(d)(2) and 1.33(b).

c) ☐ Unexecuted

6) ☐ **Application Data Sheet**. See 37 CFR 1.76.

7) ☒ **CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix) with Transmittal**

8) ☐ **Nucleotide and/or Amino Acid Sequence Submission** (if applicable, all are

necessary)

- a) ☐ Computer Readable Form (CRF)
- b) ☐ Specification Sequence Listing on:
 - i) ☐ CD-ROM or CR-R (2 copies); or
 - ii) ☐ Paper
- c) ☐ Statements verifying identity of above copies

B) ACCOMPANYING APPLICATION PARTS:

- 9) ☐ **Assignment Papers** (cover sheet & document(s))
- 10) ☒ **37 C.F.R. § 3.73(b) Statement** (when there is an assignee)
- 11) ☒ **Power of Attorney**
- 12) ☐ **English Translation Document** (if applicable)
- 13) ☐ **Information Disclosure Statement (IDS)/PTO-1449**
- 14) ☐ **Copies of IDS Citations**
- 15) ☐ **Preliminary Amendment**
- 16) ☒ **Return Receipt Postcard (MPEP 503)** (specifically itemized)
- 17) ☐ **Certified Copy of Priority Document(s)** (if foreign priority is claimed)
- 18) ☒ **OTHER:** (if applicable, specified below)

-Printed version of Tables 3-16

C) FOR CONTINUING APPLICATIONS: (the appropriate box is checked, and certain information is provided below and in a preliminary amendment)

☐ CONTINUATION ☐ DIVISIONAL ☐ CONTINUATION-IN-PART (CIP)

OF PRIOR APPLICATION NO: _____

FILED: _____

EXAMINER: _____

GROUP/ART UNIT: _____

FOR CONTINUATION OR DIVISIONAL APPLICATIONS ONLY: THE ENTIRE DISCLOSURE OF THE PRIOR APPLICATION, FROM WHICH AN OATH OR DECLARATION IS SUPPLIED AS DETAILED ABOVE, IS CONSIDERED A PART OF THE DISCLOSURE OF THE ACCOMPANYING CONTINUATION OR DIVISIONAL APPLICATION AND IS HEREBY INCORPORATED BY REFERENCE.

D.) PRIORITY CLAIM(S):

This application claims the benefit under Title 35, United States Code, §120 of any United States application(s) or PCT international application(s) designating the United States of America listed below:

Application Number	Filing Date	Status

PCT Applications designating the United States:

Application Number	Filing Date	Status
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This application claims the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below:

Provisional Application(s):

60/220,967	July 26, 2000	
Application Number	Filing Date	Status

E) METHOD OF PAYMENT OF FILING FEES FOR THIS APPLICATION:

____ Applicant claims small entity status 37 CFR 1.27

 X A check is enclosed to cover the filing fees as determined on the fee

transmittal enclosed herewith.

X The commissioner is hereby authorized to charge filing fees or credit any overpayment to deposit account number 03-1721.

Total filing fee amount \$ _____

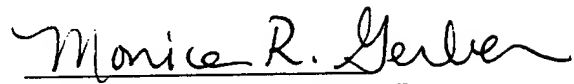
F) CORRESPONDENCE ADDRESS:

X Customer Bar Code Label: _____

X Correspondence Address:

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Respectfully Submitted,


Monica R. Gerber, M.D., Ph.D.
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Date: July 26, 2001
3296640_1.DOC